



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

Lynchburg Office
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

David K. Paylor
Director

Steven A. Dietrich
Regional Director

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

December 10, 2008

H. Wayne Carter, III
Executive Director
Southside Regional Public Service Authority
P.O. Box 362
Boydton, Virginia 23917

Location: Mecklenburg County
Registration No.: 32071
State-County-Plant ID: 51-117-00069

Dear Mr. Carter:

Attached is a permit to operate your municipal solid waste landfill pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the permit dated December 20, 2007.

The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all permit conditions carefully.

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on August 4, 2008 and solicited written public comments by placing a newspaper advertisement in Chase City's *The News-Progress* on September 19, 2008. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on October 20, 2008 with no comments having been received in this office.

This approval to operate does not relieve the Southside Regional Public Service Authority of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please call Patrick Corbett at (434)582-6230.

Sincerely,

A handwritten signature in black ink that reads "Steven A. Dietrich". The signature is written in a cursive, flowing style.

Steven A. Dietrich, P.E.
Regional Director, Department of Environmental Quality

Attachment: Permit

cc: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Chief, Air Enforcement Branch (3AP12), U.S. EPA, Region III
James D. Puckett, DEQ Air Inspector



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

Lynchburg Office
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

Federal Operating Permit

Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Southside Regional Public Service Authority
Facility Name:	Butcher Creek Sanitary Landfill
Facility Location:	4803 Highway 92 Chase City, Virginia
Registration Number:	32071
Permit Number:	BRRO32071

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through IX)

December 10, 2008

Effective Date

December 9, 2013

Expiration Date

Steven A. Dietrich, P.E.

Regional Director, Department of Environmental Quality

December 10, 2008

Signature Date

Table of Contents, 1 page
Permit Conditions, 18 pages

Table of Contents

I. FACILITY INFORMATION	1
II. EMISSION UNITS	2
III. DIESEL ENGINE (P03) REQUIREMENTS	3
A. LIMITATIONS.....	3
B. MONITORING AND RECORDKEEPING	3
IV. MUNICIPAL SOLID WASTE (MSW) LANDFILL (P01) REQUIREMENTS.....	4
A. LIMITATIONS.....	4
B. RECORDKEEPING.....	5
C. TESTING	6
D. REPORTING	6
V. LEACHATE STORAGE TANK (P02) REQUIREMENTS	8
VI. INSIGNIFICANT EMISSION UNITS	9
VII. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	9
VIII. GENERAL CONDITIONS.....	9
A. FEDERAL ENFORCEABILITY	9
B. PERMIT EXPIRATION	9
C. RECORDKEEPING AND REPORTING	10
D. ANNUAL COMPLIANCE CERTIFICATION.....	11
E. PERMIT DEVIATION REPORTING	12
F. FAILURE/MALFUNCTION REPORTING	12
G. SEVERABILITY	13
H. DUTY TO COMPLY.....	13
I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	13
J. PERMIT MODIFICATION.....	13
K. PROPERTY RIGHTS	13
L. DUTY TO SUBMIT INFORMATION	13
M. DUTY TO PAY PERMIT FEES.....	14
N. FUGITIVE DUST EMISSION STANDARDS.....	14
O. STARTUP, SHUTDOWN, AND MALFUNCTION	14
P. ALTERNATIVE OPERATING SCENARIOS	15
Q. INSPECTION AND ENTRY REQUIREMENTS.....	15
R. REOPENING FOR CAUSE.....	15
S. PERMIT AVAILABILITY	16
T. TRANSFER OF PERMITS	16
U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE	16
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE	17
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION.....	17
X. STRATOSPHERIC OZONE PROTECTION	17
Y. ACCIDENTAL RELEASE PREVENTION.....	18
Z. CHANGES TO PERMITS FOR EMISSIONS TRADING.....	18
AA. EMISSIONS TRADING.....	18

I. Facility Information

Permittee

Southside Regional Public Service Authority
P.O. Box 362
Boydton, Virginia 23917

Responsible Official

H. Wayne Carter, III
Executive Director

Facility

Butcher Creek Sanitary Landfill
4803 Highway 92
Chase City, Virginia 23924

Contact Person

David Cooke
Landfill Manager
(434)738-6210

County-Plant Identification Number: 51-117-00069

Facility Description: NAICS/SIC 562212/4953 – The facility is a municipal solid waste (MSW) landfill with a design capacity greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³). The landfill is newly constructed and began operation in December 2007.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
P03	P03	CI Emergency generator	10 kW	---	---	---	---
Landfill Operations							
P01	P01	MSW Landfill	5,945,546 Mg	---	---	---	12/20/2007
F01	Fugitive	Fugitive Particulate from Landfill operations		---	---	---	12/20/2007
P02	P02	Leachate Storage Tank	500,000 gal.	---	---	---	12/20/2007

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Diesel Engine (P03) Requirements

A. Limitations

1. The emergency generator engine must meet the standards contained in 40 CFR 60.4202(a)(1).
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.4205(b))
2. The approved fuel for the engine is diesel fuel as defined in 40 CFR 60.4219 and complying with 40 CFR 60.4207.
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.4207)
3. The engine shall not operate more than 100 hours per year for maintenance checks and readiness testing. A petition to exceed the 100 hours per year limitation is not required if the permittee maintains records indicating that Federal, State, or local standards require maintenance and testing of the engine beyond 100 hours per year.
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.4211(e))
4. Visible emissions from the engine stack shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-80-110 and 9 VAC 5-50-80)
5. The engine must be certified to the emission standards in Condition III.A.1 for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.4211(c))
6. The permittee shall operate and maintain the engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. The permittee must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as applicable.
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.4211(a))
7. The permittee shall comply with 40 CFR 63 Subpart ZZZZ by complying with the applicable requirements of 40 CFR 60 Subpart IIII.
(9 VAC 5-80-110, 9 VAC 5-60-100, and 40 CFR 63.6590(c))

B. Monitoring and Recordkeeping

1. The permittee shall install a non-resettable hour meter prior to startup of the engine.
(9 VAC 5-80-110, 9 VAC 5-50-410, and 40 CFR 60.4209(a))

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Blue Ridge Regional Office. These records shall include, but are not limited to:
 - a. Records to demonstrate the purchased engine was certified in compliance with Condition III.A.5.
 - b. All fuel supplier certifications.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent (5) years.
(9 VAC 5-80-110)

IV. Municipal Solid Waste (MSW) Landfill (P01) Requirements

A. Limitations

1. The design capacity of the MSW landfill is 5,945,546 Mg. A change in the design capacity may require a permit to construct and operate.
(9 VAC 5-80-110 and Condition 2 of 12/20/2007 Permit)
2. If the calculated non-methane organic compounds (NMOC) emission rate is greater than or equal to 50 Mg (as calculated in 40 CFR 60.754), the permittee shall comply with subsection a. or subsections b., c., and d.:
 - a. demonstrate that the NMOC emission rate is less than 50 Mg per year through either Tier 2 testing in accordance with 40 CFR 60.757(c)(1) or Tier 3 testing in accordance with 40 CFR 60.757(c)(2); or
 - b. submit a landfill gas (LFG) collection and control system design plan meeting the requirements of 40 CFR 60.752(b)(2)(i) to the Blue Ridge Regional Office within one year,
 - c. install a gas collection and control system in compliance with 40 CFR 60.752(b)(2)(ii)(A) or (B), and 40 CFR 60.752(b)(2)(iii) within 30 months after the first annual report in which the NMOC emission rate is greater than or equal to 50 Mg per year, and
 - d. operate the installed gas collection and control device in compliance with 40 CFR 60.752(b)(2)(iv) and 40 CFR 63 Subpart AAAA.

(9 VAC 5-80-110, 40 CFR 63.1955, 40 CFR 60.752(b)(2), and Condition 3 of 12/20/2007 Permit)

3. The landfill shall accept no more than 255,500 tons (231,789 Mg) of solid waste per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 5 of 12/20/2007 Permit)

4. Emissions from the operation of the control device shall not exceed the limits specified below:

Particulate Matter	0.017 lbs/MMBtu	3.4 tons/yr
PM-10	0.017 lbs/MMBtu	3.4 tons/yr
Nitrogen Oxides (as NO ₂)	0.068 lbs/MMBtu	13.3 tons/yr
Carbon Monoxide	0.37 lbs/MMBtu	72.1 tons/yr
Volatile Organic Compounds (as propane)	0.129 lb/MMBtu	25.0 tons/yr

(9 VAC 5-80-110 and Condition 6 of 12/20/2007 Permit)

5. Each control device shall be operated with no visible emissions, as determined by EPA Method 22 (reference 40 CFR 60, Appendix A), except for periods not to exceed a total of five minutes during two consecutive hours. This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-80-110, 40 CFR 60.18, and Condition 7 of 12/20/2007 Permit)
6. Except where this permit is more restrictive than the applicable requirement, the MSW landfill shall be constructed and operated in compliance with the applicable requirements of 40 CFR 60, Subpart WWW.
(9 VAC 5-80-110 and Condition 8 of 12/20/2007 Permit)
7. Except where this permit is more restrictive than the applicable requirement, the MSW landfill shall be constructed and operated in compliance with the applicable requirements of 40 CFR 63, Subpart AAAA.
(9 VAC 5-80-110 and Condition 9 of 12/20/2007 Permit)

B. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Blue Ridge Regional Office. These records shall include, but are not limited to:

1. Current maximum design capacity report, current amount of waste in place, and monthly waste acceptance rates.
2. Records sufficient to calculate the facility's emissions on a 12-month rolling basis.
3. Description, location, amount, and placement date of all nondegradable refuse including asbestos and demolition refuse placed in landfill areas which are excluded from landfill gas estimation or landfill gas collection and control.
4. All records required in 40 CFR 60.758(b), (c), (d), and (e). Where records pertain to specific control device type, only the records required for the facility's installed control device type shall be kept.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 40 CFR 60.758, and Condition 12 of 12/20/2007 Permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-80-110 and 9 VAC 5-50-30)
2. Initial performance tests shall be conducted as required in 40 CFR 60.752(b)(2)(iii) to determine compliance with the applicable requirements. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Blue Ridge Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The test report shall be submitted as required in Condition IV.D.3 and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110 and Condition 11 of the 12/20/2007 Permit)

D. Reporting

1. The permittee shall furnish written notification to the Blue Ridge Regional Office of:
 - a. The anticipated date of testing under Tiers 2 or 3 to demonstrate NMOC emission rate of the landfill postmarked at least 30 days prior to such date.
 - b. The anticipated date of performance tests of the gas collection and control system postmarked at least 30 days prior to such date.

Copies of the written notifications in this condition are to be sent to:

Associate Director
Office of Air Enforcement (3AP10)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-1180, 9 VAC 5-50-50, and Condition 18 of the 12/20/2007 Permit)

2. No later than October 1 of each year, the permittee shall submit a NMOC emission rate report to the Blue Ridge Regional Office, meeting the requirements of 40 CFR 60.757(b). One copy of the NMOC emission report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition IV.D.1.
(9 VAC 5-80-110, 40 CFR 60.757(b), and Condition 13 of the 12/20/2007 Permit)
3. Within 180 days of start-up of an active collection system used to comply with Condition IV.A.2.c, the permittee shall submit to the Blue Ridge Regional Office the initial semi-annual compliance report of the collection and control system. The report shall contain the following:
 - a. The initial performance test report required under 40 CFR 60.8, including the information required in 40 CFR 60.757(g);
 - b. Value and length of time for exceedance of applicable parameters monitored under 40 CFR 60.756(a), (b), (c), and (d);
 - c. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR 60.756.
 - d. Description and duration of all periods when the control device was not working for a period exceeding one hour and the length of time control device was not operating;
 - e. All periods when the collection system was not operating in excess of five days;
 - f. The location of each exceedance of the 500 parts per million surface methane concentration as provided in 40 CFR 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month;
 - g. The date of installation and the location of each well or collection system expansion added pursuant to 40 CFR 60.755(a)(3), 40 CFR 60.755(b), and 40 CFR 60.755(c)(4).

Items (b) through (f) shall be submitted semi-annually. All future semi-annual reports shall be submitted no later than March 1 and September 1 of each calendar year and shall cover the period of either January 1 to June 30 or July 1 to December 31. One copy of each semi-

annual compliance report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition IV.D.1.

(9 VAC 5-80-110, 40 CFR 60.757(f), 40 CFR 63.1980(a), and Condition 14 of the 12/20/2007 Permit)

4. By the date the gas collection and control system is installed, the permittee shall:
 - a. Have a Startup, Shutdown and Malfunction (SSM) Plan;
 - b. Operate in accordance with the requirement to minimize SSM emissions per 40 CFR 63.6(e);
 - c. Maintain records of SSM events required in 40 CFR 63.6(e) and 63.10(b)(2)(i) through (v);
 - d. Submit SSM reports as required in 40 CFR 63.10(d)(5). The semi-annual SSM reports shall be submitted with the semi-annual reports required in Condition IV.D.3.

(9 VAC 5-80-110, 40 CFR 63.1980(a), and Condition 15 of 12/20/2007 Permit)

5. Within 30 days of the date the MSW landfill stopped accepting waste, the permittee shall submit a closure report to the Blue Ridge Regional Office and comply with 40 CFR 60.757(d). One copy of the closure report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition IV.D.1.
(9 VAC 5-80-110, 40 CFR 60.757(d), and Condition 16 of 12/20/2007 Permit)
6. No later than 30 days prior to the cessation of operation or removal of the control equipment, the permittee shall submit an equipment removal report to the Blue Ridge Regional Office in accordance with 40 CFR 60.757(e). One copy of the equipment removal report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition IV.D.1.
(9 VAC 5-80-110, 40 CFR 60.757(d), and Condition 17 of 12/20/2007 Permit)

V. Leachate Storage Tank (P02) Requirements

1. Except where this permit is more restrictive than the applicable requirement, the 500,000 gallon leachate tank shall be constructed and operated in compliance with the applicable requirements of 40 CFR 60, Subpart Kb. The permittee shall maintain records showing the dimensions and storage capacity of the leachate tank. These records shall be kept for the life of the source.
(9 VAC 5-80-110, 40 CFR 60.116b(b), and Conditions 10 and 12.e of 12/20/2007 Permit)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
P04	Used Oil Tank	9 VAC 5-80-720 C		250 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed in compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law, or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
- (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)

U.S. Environmental Protection Agency, Region III

1650 Arch Street

Philadelphia, PA 19103-2029

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Blue Ridge Regional Office within four daytime business hours after discovery of any deviation's from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition VIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Blue Ridge Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.

When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Blue Ridge Regional Office.
(9 VAC 5-80-110 and 9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-110, 9 VAC 5-80-190, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:

1. Dust from grading, cell construction, waste compaction, application of daily cover, wood waste chipping operations, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by the DEQ) control measures.
2. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.
3. Dust from haul roads shall be controlled by wet suppression and prompt removal of dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill.
4. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

(9 VAC 5-80-110 and Condition 4 of 12/20/2007 Permit)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-80-110 and 9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-110 and 9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-110 and 9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.

- c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 - 4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-110 and 9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-110, 9 VAC 5-80-190 C, and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-110 and 9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal

Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(9 VAC 5-80-110 and 40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(9 VAC 5-80-110 and 40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

SOURCE TESTING REPORT FORMAT

Report Cover

1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Test Dates.
4. Tester; name, address and report date

Certification

1. Signed by team leader/certified observer (include certification date)
2. Signed by responsible company official
3. *Signed by reviewer

Copy of approved test protocol

Summary

1. Reason for testing
2. Test dates
3. Identification of unit tested & the maximum rated capacity
4. *For each emission unit, a table showing:
 - a. Operating rate
 - b. Test Methods
 - c. Pollutants tested
 - d. Test results for each run and the run average
 - e. Pollutant standard or limit
5. Summarized process and control equipment data for each run and the average, as required by the test protocol
6. A statement that test was conducted in accordance with the test protocol or identification & discussion of deviations, including the likely impact on results
7. Any other important information

Source Operation

1. Description of process and control devices
2. Process and control equipment flow diagram
3. Sampling port location and dimensioned cross section Attached protocol includes: sketch of stack (elevation view) showing sampling port locations, upstream and downstream flow disturbances and their distances from ports; and a sketch of stack (plan view) showing sampling ports, ducts entering the stack and stack diameter or dimensions

Test Results

1. Detailed test results for each run
2. *Sample calculations
3. *Description of collected samples, to include audits when applicable

Appendix

1. *Raw production data
2. *Raw field data
3. *Laboratory reports
4. *Chain of custody records for lab samples
5. *Calibration procedures and results
6. Project participants and titles
7. Observers' names (industry and agency)
8. Related correspondence
9. Standard procedures

* Not applicable to visible emission evaluations